

FOR RELEASE ON
TUESDAY, DECEMBER 8, 1987
10:00 A.M.

STATEMENT OF

MELISSA J. ALLEN
DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

BEFORE THE HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I APPRECIATE THE OPPORTUNITY TO SUBMIT TESTIMONY ON THE STEPS THAT THE DEPARTMENT OF TRANSPORTATION HAS TAKEN TO ENSURE A DRUG-FREE TRANSPORTATION SYSTEM FOR THE NATION'S TRAVELING PUBLIC AND TO COMBAT THE FLOW OF DRUGS TO THE AMERICAN PEOPLE.

LAST FALL, CONGRESS AND THE PRESIDENT JOINED TOGETHER IN A CALL FOR A DRUG-FREE AMERICA. THIS COMMITTEE PLAYED AN IMPORTANT ROLE IN THE EFFORT. WE APPRECIATE YOUR INTEREST AND SUPPORT FOR OUR DEPARTMENT'S DRUG INITIATIVES.

THE DEPARTMENT OF TRANSPORTATION HAS MANY ROLES IN COMBATTING THE PROBLEMS OF DRUG TRAFFICKING AND ABUSE. AMONG THE CIVILIAN AGENCIES, THE DEPARTMENT IS A LEADER IN IMPLEMENTING THE PRESIDENT'S DRUG-FREE FEDERAL WORKPLACE EXECUTIVE ORDER. THE ANTI-DRUG ABUSE ACT OF 1986 ASSIGNED DOT RESPONSIBILITIES TO HELP PROMOTE A DRUG-FREE TRANSPORTATION SYSTEM. WE ARE ALSO ON

THE FRONT LINE OF THE NATION'S EFFORTS TO INTERDICT THE FLOW OF DRUGS INTO THIS COUNTRY. THE COAST GUARD, A MAJOR COMPONENT OF THE DEPARTMENT OF TRANSPORTATION, PLAYS AN IMPORTANT PART IN THE INTERDICTION EFFORT. IT HAS BEEN ASSIGNED THE PRIMARY ROLE OF PATROLLING THE NATION'S WATERWAYS AS PART OF A COMBINED FEDERAL EFFORT TO PREVENT DRUGS FROM ENTERING THE COUNTRY. I KNOW THE COMMITTEE IS PARTICULARLY INTERESTED IN THESE ACTIVITIES. ADMIRAL ROBBINS, WHO LEADS THE COAST GUARD DRUG INTERDICTION PROGRAM, WILL SPEAK OF THE ACCOMPLISHMENTS AND PROBLEMS INHERENT IN THIS DIFFICULT MISSION.

I WOULD LIKE TO PROVIDE THE COMMITTEE WITH AN OVERVIEW OF THE DEPARTMENT OF TRANSPORTATION'S CAMPAIGN TO COMBAT DRUG ABUSE IN THE NATION'S TRANSPORTATION SYSTEM AND ITS ACTIONS TO FULFILL THE INTENT OF THE ANTI-DRUG ABUSE ACT OF 1986.

WHEN WE BOARD AN AIRPLANE, TRAIN, OR BUS, OR DRIVE OUR CARS ON THE HIGHWAY, WE LITERALLY PUT OUR LIVES IN THE HANDS OF OTHERS. THE EFFECTIVE OPERATION OF ANY TRANSPORTATION SYSTEM, THEREFORE, ULTIMATELY DEPENDS ON A FOUNDATION OF MUTUAL TRUST AND CONFIDENCE IN THE VIGILANCE AND RESPONSIBILITY OF OTHER PEOPLE. THE ABUSE OF DRUGS AND ALCOHOL BY TRANSPORTATION WORKERS IN SAFETY-SENSITIVE FUNCTIONS IS A LIFE-THREATENING VIOLATION OF THAT TRUST. THE PUBLIC HAS EVERY RIGHT TO EXPECT A DRUG-FREE TRANSPORTATION SYSTEM AND THOSE OF US WHO SERVE THE PUBLIC HAVE A DUTY TO SEE THAT THEIR EXPECTATIONS ARE MET.

DRUG ABUSE CARRIES WELL KNOWN PERSONAL AND ECONOMIC SIDE EFFECTS THAT POSE DANGERS TO THE USER AS WELL AS TO OTHERS. THIS UNDERSTANDING OF THE PERVASIVE NATURE AND SCOPE OF THE DRUG PROBLEM IS AN IMPORTANT FACTOR IN SECRETARY BURNLEY'S AND FORMER SECRETARY DOLE'S LEADERSHIP AND INVOLVEMENT IN THIS ISSUE. THE DEPARTMENT'S PUSH TO ENSURE A DEPARTMENT-WIDE DRUG PROGRAM THAT CONTINUES TO IMPLEMENT THE EXECUTIVE ORDER ON A DRUG-FREE FEDERAL WORKPLACE IS BASED ON SEVERAL PREMISES:

FIRST --- IT MUST BE COMPREHENSIVE -- BY THIS I MEAN IT MUST PROVIDE FOR EDUCATIONAL OPPORTUNITIES, COUNSELING AND REHABILITATION FOR EMPLOYEES WHO HAVE BEEN DETERMINED TO BE FIRST TIME DRUG USERS.

SECOND --- RANDOM DRUG TESTING IS AN INTEGRAL COMPONENT OF THE PROGRAM BECAUSE IT SERVES AS THE BEST DETERRENT TO DRUG USE -- BUT SUCH TESTING APPLIES ONLY FOR SAFETY AND SECURITY-SENSITIVE EMPLOYEES.

THIRD --- DEPARTMENT-WIDE CONSISTENCY AND EQUITY IS ALL IMPORTANT TO OUR PROGRAM. THIS MEANS THAT ALL EMPLOYEES WITH SIMILAR DUTIES ARE SUBJECT TO THE SAME REVIEW AND TESTING WHETHER EMPLOYED BY THE FEDERAL AVIATION ADMINISTRATION, THE COAST GUARD, THE FEDERAL HIGHWAY ADMINISTRATION OR THE OFFICE OF THE SECRETARY.

DURING THE WEEK OF SEPTEMBER 9TH, THE DEPARTMENT'S DRUG TESTING PROGRAM BEGAN. TO DATE, WE HAVE TESTED A LIMITED NUMBER OF EMPLOYEES IN SAFETY AND SECURITY-SENSITIVE POSITIONS ON A RANDOM BASIS.

ON SEPTEMBER 30TH, THE DEPARTMENT'S AUTHORITY TO TEST ITS EMPLOYEES WAS UPHELD BY THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA WHEN JUDGE GERHARD A. GESELL REFUSED AN AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES REQUEST FOR A PRELIMINARY INJUNCTION. IN ADDITION, JUDGE GESELL GRANTED THE GOVERNMENT'S REQUEST FOR SUMMARY JUDGMENT. IN THE FACE OF POTENTIAL LEGAL CHALLENGES IN THE FUTURE, WE BELIEVE THAT THE DEPARTMENT'S PROGRAM WILL ULTIMATELY BE UPHELD.

WE PLAN TO CONTINUE WITH OUR RANDOM DRUG TESTING -- EXPANDING THE COVERAGE SO THAT AT LEAST 50 PERCENT OF THE TARGET POPULATION IS TESTED EVERY YEAR. WE BELIEVE THE DEPARTMENT'S PROGRAM IS FAIR AND BALANCES EMPLOYEE RIGHTS AND PRIVACY WITH THE RIGHTS OF THE NATION'S CITIZENS TO EXPECT A SAFE AND DRUG-FREE TRANSPORTATION SYSTEM.

OUR CONCERNS FOR A DRUG-FREE TRANSPORTATION SYSTEM EXTEND TO THE PRIVATE SECTOR. THE DEPARTMENT IS DEVELOPING NOTICES OF PROPOSED RULEMAKING FOR THE CONTROL OF DRUG USE, INCLUDING RANDOM TESTING,

FOR THE INDUSTRIES UNDER OUR PURVIEW. WE ARE CAREFULLY BALANCING THE IMPORTANT RIGHTS OF THE INDIVIDUAL WITH A PROGRAM THAT CAN ENSURE A DRUG-FREE TRANSPORTATION SYSTEM. WE HAVE BEEN WORKING WITH ALL OF THE TRANSPORTATION MODES TO DEVELOP RULES TO ELIMINATE DRUG USERS FROM THE TRANSPORTATION SYSTEM. OUR RULEMAKING EFFORT IS CROSSCUTTING IN NATURE AND WOULD COVER COMMERCIAL MOTOR VEHICLE OPERATIONS, AIR CARRIERS, TRANSIT OPERATORS, INDIVIDUALS INVOLVED IN PIPELINE AND HAZARDOUS MATERIALS TRANSPORTATION AND ADDITIONAL MEASURES FOR RAILROAD PERSONNEL.

THE DEPARTMENT'S ALCOHOL AND DRUG USE PROGRAM FOR THE RAILROAD INDUSTRY PROVIDES AN IMPORTANT EXAMPLE OF THIS KIND OF APPROACH AND THE BALANCE WE ARE SEEKING. LAST YEAR, WE IMPLEMENTED A FEDERAL RULE, THE FIRST IN AMERICAN RAILROAD HISTORY, PROHIBITING THE ON-DUTY USE OR POSSESSION OF DRUGS AND ALCOHOL; REQUIRING POST-ACCIDENT TESTING FOR DRUGS AND ALCOHOL AND PRE-EMPLOYMENT DRUG TESTING; AUTHORIZING THE TESTING OF EMPLOYEES FOR REASONABLE CAUSE AND REQUIRING RAIL EMPLOYERS TO AFFORD AN OPPORTUNITY FOR REHABILITATION TO EMPLOYEES WHO STEP FORWARD AND ASK FOR HELP OR ARE REFERRED BY CO-WORKERS. THE DEPARTMENT IS SEEKING ADDITIONAL AUTHORITY TO IMPOSE STATUTORY SANCTIONS ON AN INDIVIDUAL WHO HAS VIOLATED FEDERAL SAFETY RULES AS PART OF THE RAIL SAFETY AUTHORIZATION ACT.

UNDER THE AUSPICES OF TITLE XII OF THE ANTI-DRUG ABUSE ACT OF 1986 ("THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986"), THE

DEPARTMENT HAS MOVED SWIFTLY TO IMPLEMENT THE SINGLE DRIVERS LICENSE REQUIREMENT FOR COMMERCIAL MOTOR VEHICLE DRIVERS. THE RULE WENT INTO EFFECT IN JULY OF THIS YEAR. IN ADDITION, THE FEDERAL HIGHWAY ADMINISTRATION RULE ISSUED LAST JULY ESTABLISHED REQUIREMENTS FOR COMMERCIAL MOTOR VEHICLE OPERATORS TO NOTIFY EMPLOYERS OF VIOLATIONS, SUSPENSIONS, AND PREVIOUS EMPLOYMENT. THE RULE ALSO IMPLEMENTED DISQUALIFICATION PROVISIONS OF THE 1986 ACT AND ASSOCIATED PENALTY PROVISIONS. THE FEDERAL HIGHWAY ADMINISTRATION HAS ALSO ISSUED AN ADVANCE NOTICE OF PROPOSED RULEMAKING SEEKING COMMENTS ON THE ESTABLISHMENT OF A COMMERCIAL DRIVER BLOOD-ALCOHOL CONCENTRATION (BAC) STANDARD. AS PROPOSED BY THE FEDERAL HIGHWAY ADMINISTRATION, IF A COMMERCIAL MOTOR VEHICLE OPERATOR IS TESTED WITH A BAC LEVEL HIGHER THAN THE STANDARD, HE OR SHE WILL BE PENALIZED WITH THE LOSS OF DRIVING PRIVILEGES. THE DEPARTMENT WILL BE GUIDED BY A RECENTLY COMPLETED REPORT OF THE NATIONAL RESEARCH COUNCIL AND PUBLIC COMMENTS IN PROMULGATING THIS STANDARD WHICH IS TO BECOME EFFECTIVE ON OR BEFORE OCTOBER 30, 1988, AS REQUIRED BY THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986.

THE ACT ALSO REQUIRED THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA) TO CONDUCT A STUDY TO DETERMINE THE EFFECTS OF DRUG USE ON HIGHWAY SAFETY. THE DRAFT REPORT IS IN FINAL CLEARANCE WITHIN THE DEPARTMENT. THE DRAFT REPORT REVIEWS WHAT IS CURRENTLY KNOWN ABOUT THE RELATIONSHIP OF DRUG USE TO HIGHWAY

SAFETY. IT IDENTIFIES THE INFORMATION THAT IS NEEDED SO THAT A MORE DEFINITIVE UNDERSTANDING OF HIGHWAY SAFETY AND DRUG ABUSE CAN BE DEVELOPED AND REVIEWS THE MAJOR METHODOLOGICAL PROBLEMS THAT MUST BE OVERCOME BEFORE SUBSTANTIAL PROGRESS WILL BE POSSIBLE. THE DRAFT REPORT ALSO IDENTIFIES ADDITIONAL INFORMATION NEEDS AND DESCRIBES CURRENT PLANS TO OBTAIN IT.

THE PAST YEAR HAS SHOWN ALL OF US INVOLVED IN THE DEPARTMENT OF TRANSPORTATION'S DRUG PROGRAM THAT DRUG ABUSE IS A VERY COMPLEX PROBLEM AND ONE WITHOUT EASY SOLUTIONS. IN ALL, WE BELIEVE THAT OUR PROGRAM WILL GO A LONG WAY TOWARD ADDRESSING DRUG ABUSE BY TRANSPORTATION RELATED EMPLOYEES. WE HOPE IT WILL ALSO HELP THOSE INDIVIDUALS OVERCOME WHAT IS A DEVASTATING AND SELF-DESTRUCTIVE PERSONAL PROBLEM. AND, IT WILL ASSURE THE NATION'S TRAVELING PUBLIC THAT THEIR TRANSPORTATION SYSTEM IS SAFE AND DRUG-FREE -- THE TYPE OF TRANSPORTATION SYSTEM THE PUBLIC DESERVES AND SHOULD EXPECT.

THANK YOU, THIS CONCLUDES MY PREPARED REMARKS.